IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 27443 of 2007(P)

PETITIONER:

KERALA CIVIL AVIATION GENERAL WORKERS' CO-OP.SOCIETY LTD.NO.T.707, THIRUVANANTHAPURAM-8, REP. BY ITS CHAIRMAN.

BY ADV. SRI.P.BABU KUMAR

RESPONDENTS:
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1. UNION OF INDIA, REP. BY ITS SECRETARY TO CIVIL AVIATION DEPT, CENTRAL SECRETARIAT, NEW DELHI.

2. SENIOR MANAGER, COMMERCIAL, AIRPORT AUTHORITY OF INDIA, TRIVANDRUM INTERNATIONAL AIRPORT, THIRUVANANTHAPURAM.

3. VENPAKAL ADVERTISING COMPANY, THIRUVANANTHAPURAM.

4. THE CHAIRMAN, AIPORT AUTHORITY OF INDIA, NEW DELHI.

BY ADV. SRI.K.L.NARASIMHAN
SRI.V.SANTHARAM
SRI.P.PARAMESWARAN NAIR, ASG

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27443 OF 2007
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Dated this the 27th day of September, 2007

J U D G M E N T

The prayers sought for in this writ petition are to direct the 2nd respondent to open the price bid of the petitioner's society and to quash the decision taken by the 2nd respondent awarding the contract to the 3rd respondent. Petitioner also seeks a declaration that they are entitled to preference. Seeking the aforesaid reliefs, this writ petition has been filed.

2. Ext.P3 notice has been issued by the 2nd respondent inviting tenders for the work of granting licence for comprehensive contract for Passenger Baggage Trolleys along with retrievals, safeguarding and maintenance of trolleys in the Trivandrum International Airport. From the prayers, it is obvious that the petitioner is not challenging any of the tender conditions or to have it quashed. Therefore, the eligibility of the petitioner to have its tender opened will depend upon their satisfying the tender conditions.

3. In this case, it is the admitted position that the

petitioner does not satisfy the two years experience and also the conditions with respect to the annual turn over. If that be so, going by the tender conditions, petitioner do not satisfy the tender conditions and hence is ineligible to have its tender considered.

4. On behalf of the respondents, it is pointed out that in response to Ext.P3 tender notice, tenders were received and this includes one from the petitioner and the 3rd respondent. Since the petitioner did not satisfy the tender conditions in respect of experience and turn over, they were not prequalified. According to the learned counsel, the tender submitted by the 3rd respondent satisfied all the tender conditions and the offer made was found to be acceptable and is being finalised.

5. Since admittedly, the petitioner has not satisfied the tender conditions, the petitioner is not entitled to the reliefs sought for.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp